

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118+266

CRM-M-38903 of 2021 (O&M)

Date of decision:28.04.2022

Deepak Sharma and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parveen Sharma, Advocate
for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Sachin Jain, Advocate for
Mr. Davinder Kumar, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.15366 of 2022

Application is allowed as prayed for.

Judgment and divorce decree dated 02.03.2022 passed by the
learned Additional Principal Judge, Family Court, Sonipat is taken on
record as Annexure P-5.

CRM-M-38903 of 2021

Instant petition has been filed under Section 482 Cr.P.C
seeking quashing of FIR No.28 dated 20.05.2019 registered under Sections
323, 34, 354, 376, 377, 406, 498-A, 506 of Indian Penal Code, 1860 at

Police Station Women-I, Sonipat, District Sonipat, however, Sections 376, 377, 354 IPC have been deleted, (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 31.08.2021 (Annexure P-3).

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the complainant-respondent No.2. The marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 18.04.2018 at Sonipat and there is no issue out of the wedlock, but due to temperamental differences, they could not pull along and have been living separately since August, 2018. He submits that matrimonial dispute has been settled by virtue of compromise (Annexure P-3), marriage between the parties has been dissolved, vide judgment and decree dated 02.03.2022 (Annexure P-5) and the entire permanent alimony of Rs.7.00 lacs has been paid. Still further, he submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Suman, State counsel submits that during investigation, Sections 376, 377 and 354 IPC were deleted and challan has been presented for the remaining offences. She submits that although the charge has been framed, but no prosecution witness has been examined.

Counsel representing respondent No.2 has admitted the factum of compromise and does not controvert the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 21.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded regarding genuineness of the compromise as also as to whether any of the parties have been declared as Proclaimed Offender and report was called for, from the Court concerned. Report has been received and its relevant extract is as under:-

“6. So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any pressure, fear, threat, coercion or undue influence from either of the sides and is a genuine compromise.

7. With regard to the other directions in order dated 21.09.2021, the report of the investigating agency was sought and according to the report of the investigating agency, no proclaimed offender proceedings are pending against any of the party as per their record.”

FIR (Annexure P-1) is emanated from the matrimonial dispute which has been settled, marriage has been dissolved and the parties have decided to bury the hatchet.

Keeping in view the judgment of Hon'ble Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582; Narinder Singh and another Vs. State of Punjab and another 2014(2) RCR(Criminal) 482 and Parbatbhai Aahir alias Parbatbhai**

Bhimsinhbhai Karmur and others Versus State of Gujrat and another
(2017) 9 SCC 641 , this Court is of the opinion that continuation of the criminal proceedings will be a futile exercise and ends of justice would be met in case the same are set aside.

Accordingly, the petition is allowed. FIR No.28 dated 20.05.2019 registered under Sections 323, 34, 354, 376, 377, 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Women-I, Sonipat, District Sonipat (During investigation, Sections 376, 377, 354 IPC have been deleted) (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

April 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>